

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                |   |  |
|--------------------------------|---|--|
| In re Application of:          | § |  |
|                                | § | Group Art Unit: 1638                   |
| Scott R. Baerson;              | § |  |
| Damian J. Rodriguez; and       | § |  |
| Gregory R. Heck.               | § |  |
|                                | § |  |
| Serial No.: 09/800,130         | § | Examiner: David H. Kruse               |
|                                | § |  |
| Filed: March 6, 2001           | § |  |
|                                | § |  |
| For: METHODS FOR MAKING PLANTS | § |  |
| TOLERANT TO GLYPHOSATE AND     | § |  |
| COMPOSITIONS THEREOF           | § | Attorney Docket No.: 11898.0019.NPUS00 |
|                                | § |  |

CORRESPONDENCE ADDRESS  
ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please direct all communications as follows:

Patricia A. Kammerer, Esq.  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057  
(713) 787-1400

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

T. K. Ball, Reg. No. 42,287; George R. Beck, Reg. No. 21,180; Gary M. Bond, Reg. No. 29,283; Grace L. Bonner, Reg. No. 32,963; Forchisha M. Davis, Reg. No. 48,371; Christopher E. Flick, Reg. No. 42,538; Dennis R. Hoerner, Jr., Reg. No. 30,914; Thomas E. Kelley, Reg. No. 29,938; Lawrence M. Lavin, Jr., Reg. No. 30,768; E. Clifford Lawson, Reg. No. 46,860; Thomas P. McBride, Reg. No. 32,706; Michael J. Roth, Reg. No. 29,342; Joseph A. Schaper, Reg. No. 30,493; Donna E. Scherer, Reg. No. 34,719; Brian K. Stierwalt, Reg. No. 33,213; and Martha J. Yates, Reg. No. 47,194, each an

HOWREY SIMON ARNOLD & WHITE, LLP

attorney or patent agent with MONSANTO COMPANY, so long as they remain with such company,

and


John F. Lynch, Reg. No. 22,504; J. Paul Williamson, Reg. No. 29,600; John D. Norris, Reg. No. 28,246; Patricia A. Kammerer, Reg. No. 29,775; Stephen H. Cagle, Reg. No. 26,445; Melinda L. Patterson, Reg. No. 33,062; Susan K. Knoll, Reg. No. 33,254; Janelle D. Waack, Reg. No. 36,300; Ira D. Finkelstein, Reg. No. 44,680; Carter J. White, Reg. No. 41,374; Darrell Dotson, Reg. No. 44,661; Connie Flores-Jones, Reg. No. 41,755; Christopher J. Buntel, Reg. No. 44,573; Matthew Madsen, Reg. No. 45,594; Robert Auerbach, Reg. No. 46,525; Raymond Reese, Reg. No. 47,891; and Amy G. Klann, Reg. No. 48,155; each an attorney or patent agent with the law firm of HOWREY SIMON ARNOLD & WHITE, LLP, as its attorney so long as they remain with such law firm,

with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to MONSANTO TECHNOLOGY LLC referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to MPEP § 324(2), the undersigned avers that he is empowered to sign this statement on behalf of assignee.

ASSIGNEE: MONSANTO TECHNOLOGY LLC

Date: January 17, 2003 By:   
Name: Grace L. Bonner  
Registration No. 32,963  
Title: Intellectual Property Counsel

ASSIGNMENT:

☐ Concurrently filed  
☒ Previously Recorded:  
Date: June 5, 2001  
Reel: 011876  
Frame: 0742

**APPLICATION FOR UNITED STATES PATENT  
DECLARATION \* POWER OF ATTORNEY \* PETITION**

AS A BELOW-NAMED INVENTOR, I hereby declare that:

MY RESIDENCE, citizenship, and post office address are as stated below, next to my name.

I BELIEVE we are the original, first and joint inventors, of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS FOR MAKING PLANTS TOLERANT TO GLYPHOSATE AND COMPOSITIONS THEREOF** the specification of which was filed on March 6, 2001.

WE HEREBY STATE that we have reviewed and understand the contents of the above-identified specifications including the claims, as amended by any Amendment(s) referred to above.

WE ACKNOWLEDGE the Duty to Disclose to the Patent and Trademark Office all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

| PRIORITY APPLICATION(S) |           |               | Priority<br><u>Claimed</u> |
|-------------------------|-----------|---------------|----------------------------|
| (Number)                | (Country) | (Date Filed)  | Yes/No                     |
| 60/188,093              |           | March 9, 2000 | Yes                        |

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose all information known to us to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

We hereby appoint the following as our attorney(s) and/or agent(s) of record with full power of substitution and revocation to prosecute this Application and to transact all business in the Patent and Trademark Office connected therewith:

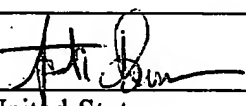
|                    |                 |
|--------------------|-----------------|
| Grace L. Bonner    | Reg. No. 32,963 |
| E. Clifford Lawson | Reg. No. 46,860 |
| Dennis R. Hoerner  | Reg. No. 30,914 |

We hereby direct that all correspondence and telephone calls be addressed to:

Gail Wuellner, Paralegal  
MONSANTO TECHNOLOGY LLC - E2NA  
800 North Lindbergh Boulevard  
St. Louis, Missouri 63167  
(314) 694-2547

WE HEREBY DECLARE THAT ALL STATEMENTS MADE OF OUR OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE, AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

WHEREFORE, I PRAY that Letters Patent be granted to me solely or jointly with the additional inventor(s) named below for the invention described and claimed in the above-identified specification and claims, and I hereby subscribe my name to the above-identified specification and claims, Declaration, Power of Attorney and this Petition.

|  |   |       |         |
|--|---|-------|---------|
| Inventor's Full Name:  | Scott   | R.    | Baerson |
| Inventor's Signature:  |  |       |         |
| Country of Citizenship:  | United States   | Date: | 5/2/01  |
| Residence Address:<br>(street, number, city,<br>state, and/or country) | 307 Bramlett Boulevard, #11, Oxford, Mississippi 38655                              |       |         |
| Post Office Address:<br>(if different from above)                      |   |       |         |

|  |   |       |           |
|--|---|-------|-----------|
| Inventor's Full Name:  | Damian                                    | J.    | Rodriguez |
| Inventor's Signature:  | <i>Damian J. Rodriguez</i>                |       |           |
| Country of Citizenship:  | United States                             | Date: | 5-3-01    |
| Residence Address:<br>(street, number, city,<br>state, and/or country) | 410 South Cherry, Lebanon, Illinois 62254 |       |           |
| Post Office Address:<br>(if different from above)                      |   |       |           |

|  |   |       |           |
|--|---|-------|-----------|
| Inventor's Full Name:  | Gregory   | R.    | Heck      |
| Inventor's Signature:  | <i>Gregory R. Heck</i> 5-3-01                       |       |           |
| Country of Citizenship:  | United States                                       | Date: | May 3, 01 |
| Residence Address:<br>(street, number, city,<br>state, and/or country) | 2200 Divot Drive, Crystal Lake Park, Missouri 63131 |       |           |
| Post Office Address:<br>(if different from above)                      |   |       |           |